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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
12-30 July 1993

CONSERVATION AND MANAGEMENT OF ECOLOGICALLY RELATED SPECIES IN FISHERIES FOR STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

(Submitted by the delegations of Australia and New Zealand)

1. Australia and New Zealand recognize that most fisheries accidentally catch non-targeted fish and non-fish species in the normal course of fishing operations. Article 119 (1) (a) of the 1982 United Nations Convention on the Law of the Sea notes the "interdependence of stocks" and the obligation to qualify the allowable catch "by relevant environmental and economic factors". Fishing operations may cause appreciable mortality of non-target species which, for some species, may be unsustainable. In these cases fishing operations should exercise particular care in order to minimize the impact of fishing on non-target species.

2. Australia and New Zealand consider that fishing States have special responsibilities associated with the right to fish on the high seas. One responsibility, conferred upon all States, is the duty "to take, or to cooperate with other States in taking, such measures for their nationals as may be necessary for the conservation of the living resources of the high seas" called for in article 117 of the Convention. Clearly, this duty embraces target, associated and dependent species (both fish and non-fish).

3. Australia and New Zealand believe that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks should reaffirm the obligation on States, specified in article 119 (1) (b) of the Convention, to consider "the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened" when determining the allowable catch on the high seas.

4. Australia and New Zealand wish to call attention to the fact that some high-seas fisheries may incur an incidental catch of non-fish species which may significantly reduce their breeding populations and increase the risk of irreversible damage to their populations. For example, there is an increasing body of evidence which indicates that some albatross species are currently at risk from long-line fishing. In many cases, however, little information is available from commercial fishing operations with which to assess the magnitude of catches of non-fish species, e.g., sea birds, marine mammals and sea turtles.

5. We believe that all members of the international community, particularly those catching straddling fish stocks or highly migratory fish stocks need to strengthen their cooperation in the conservation of living marine resources. We further believe that, in discharging this responsibility, attention needs to be focused on minimizing the impact of fishing on non-target species, in particular non-fish species.

6. Australia and New Zealand recommend that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks agree that, in accordance with their capabilities, all members of the international community, particularly those with fishing interests in straddling fish stocks or highly migratory fish stocks, should:

(a) Implement or enhance data collection and reporting on catches of non-target species, including non-fish species, and on the impact of fishing on non-target species;

(b) Cooperate with scientists, whether from coastal States, distant-water fishing nations, subregional or regional organizations, in sharing data and conducting analyses of the impact on non-target species, including non-fish species, as a component of target fisheries assessments;

(c) Cooperate with other States, subregional, and regional organizations to develop or improve devices, including the modification of fishing practices and gear, to minimize catches of non-target species, including sea birds, marine mammals and sea turtles, with special emphasis on minimizing non-target catches where the reproduction of the species is seriously threatened;

(d) Require their flagged vessels to adopt all reasonable measures, including the use of equipment and techniques shown to be effective in minimizing catches of non-target species and to limit the catch of target species, if necessary, to maintain dependent species above levels at which their reproduction may become seriously threatened.